

May 18, 1998

**DURHAM, NORTH CAROLINA
MONDAY, MAY 18, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Absent: Council Member Jacobs.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time Mayor Tennyson and Deborah Giles presented awards to the winners of the "Drug Awareness Contest."

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell made a presentation on the FY 1998-1999 City of Durham Preliminary Budget and FY 1999-2000 Resource Allocation Plan highlighting the following: 1) No tax increase for the next two years; 2) Enhanced Public Safety Protection; 3) Greater focus on appearance and care of City; 4) Stepped-up efforts to eliminate substandard housing; 5) Proactive efforts to expand tax base; 6) Greater level of customer service through re-organization of City Government; 7) No employee layoffs; and 8) Salary adjustments for full-time employees.

**SUBJECT: FISCAL YEAR 1998-99 CITY OF DURHAM PRELIMINARY BUDGET
AND FISCAL YEAR 1999-2000 RESOURCE ALLOCATION PLAN**

MOTION by Council Member Larson seconded by Council Member Miller to receive the budget message from the City Manager; and

To receive the FY 1998-99 City of Durham Preliminary Budget and Fiscal Year 1999-2000 Resource Allocation Plan (to be distributed at the May 18, 1998 City Council meeting); and

To direct the City Clerk to maintain a copy of the FY 1998-99 City of Durham Preliminary Budget and Fiscal Year 1999-2000 Resource Allocation Plan in the Office of the City Clerk, where it shall remain available for public inspection until the budget ordinance is adopted; and

To direct the City Clerk to make a copy of the FY 1998-99 City of Durham Preliminary Budget and Fiscal Year 1999-2000 Resource Allocation Plan available to the news media in Durham County; and

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To set a **public hearing on Monday, June 1, 1998, 7:30 p.m.** in the Council Chambers, City Hall at which time any persons who wish to be heard on the Budget may appear; and

To refer the FY 1998-99 City of Durham Preliminary Budget and Fiscal Year 1999-2000 Resource Allocation Plan to the Finance Committee was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

City Clerk Bowers informed the council of valid protest petitions filed against GBA #2, Trammell Crow rezoning case. **[No priority items from the City Attorney]**

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any items from the Consent Agenda for discussion later in the meeting. At the request of a citizen, Consent #8 [Sewer Back-up Claim] was pulled. The Mayor noted that Consent #3 [Repeal of Resolution Setting A 1% Discount Rate] was pulled at the Committee-of-the-Whole Meeting on Thursday.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

[CONSENT AGENDA]

SUBJECT: FISCAL YEAR 1997-98 BUDGET ORDINANCE AMENDMENT AND AMENDMENT TO FISCAL YEAR 1997-98 RESOLUTION ESTABLISHING FINANCIAL PLANS FOR INTERNAL SERVICE FUNDS

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending the 1997-98 City of Durham Budget Ordinance, as Amended, the Same Being Ordinance 11158"; and

To adopt a "Resolution Amending Resolution 8355 Establishing FY 1997-98 Financial Plans for Internal Service Funds" was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

**Ordinance #11432
Resolution #8459**

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SUBJECT: PRIVILEGE LICENSE REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning privilege licenses; and

To set a public hearing for Monday, June 1, 1998 for the purpose of receiving citizens' comments concerning a proposed amendment to the Durham City Code on changes to Sections 72, 73, and 74 of the License and Privilege Tax Ordinance was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: STATUS REPORT FROM ADMINISTRATION ON TECHNICAL AND OPERATIONAL UPGRADE OF RECORDS MANAGEMENT INFOIMAGE SYSTEM PROPOSAL REVIEW BY THE INFORMATION TECHNOLOGY SUBCOMMITTEE

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration on the Technical and Operational Upgrade of Records Management InfoImage System proposal review by the Information Technology Subcommittee was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: GIS MAPPING STATUS REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report on the GIS mapping project was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: SITE PLAN APPROVAL - DUKE UNIVERSITY MEDICAL CENTER CHILDREN'S HEALTH CENTER

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for the Duke University Medical Center Children's Health Center, submitted by Duke University Medical Center, consisting of a 120,853 square-foot addition to the Duke

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University Medical Center, proposed on ±2.6-acre portion of a 11.23-acre site, zoned R-10, and located on the south side of Erwin Road, east of Fulton Street and west of Trent Drive (Tax Map #106-01-01) was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: DURHAM FIRE DEPARTMENT TRAINING EXERCISE - 1701 HOLLOWAY STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the burning of the structure located at 1701 Holloway Street for Fire Department live fire training exercise was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: LETTER TO SOUTHERN CITY CONCERNING THE RECENT ARTICLE ON DURHAM'S ATTORNEYS

MOTION by Council Member Larson seconded by Council Member Miller to request the Mayor, on behalf of the City Council, to send a letter to *Southern City* expressing appreciation for their recent article on Durham's City Attorneys was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: ST-172 STREET IMPROVEMENTS IN EMORYWOODS - B & B PAVING COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$1,071,576.89 with B & B Paving Company, Incorporated for street improvements in Emorywoods; and

To authorize the expenditure of \$1,341,900 from the Street Paving Bond Account, \$1,000 from the Water Extensions and Improvements Account, and \$15,000 from the Sewer Extensions and Improvements Account was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member

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Jacobs.

**SUBJECT: ST-177 STREET IMPROVEMENTS SOUTHWEST AREA OF THE CITY -
HOLMES CONTRACTING, INCORPORATED**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$1,481,689.30 with Holmes Contracting, Incorporated for street improvements in the southwest area of the City; and

To authorize the expenditure of \$1,765,000 from the Street Paving Bond Account, \$42,000 from the Water Extensions and Improvements Account, and \$58,000 from the Sewer Extensions and Improvements Account was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

**SUBJECT: ST-181 CHAPEL HILL STREET SIDEWALK - WHITE OAK
CONSTRUCTION CORPORATION**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$58,440.20 with White Oak Construction Corporation for Chapel Hill Street sidewalk; and

To authorize the expenditure of \$65,000 from the Community Development Account was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

**SUBJECT: ST-182 LAKEWOOD AVENUE SIDEWALK - WHITE OAK CONSTRUCTION
CORPORATION**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$72,640 with White Oak Construction Corporation for Lakewood Avenue sidewalk; and

To authorize the expenditure of \$80,000 from the Community Development Account was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

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SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for each of the following petitions; and

To adopt resolutions setting public hearings on Monday, June 1, 1998 to consider ordering the following petitioned improvements was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

- a. **Curb, Gutter and Paving, and Water and Sewer Laterals - Virginia Avenue** from Pershing Street to Sprunt Avenue;
- b. **Water Main - Debra Drive** from north property line of Tax Map 718-3-8 to Carpenter Road; and
- c. **Sidewalk - Grant Street (West Side)** from East Pettigrew Street south to Merrick Street

SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY - SIDEWALK ON SOUTH ALSTON AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, June 1, 1998 to consider ordering sidewalk on South Alston Avenue (west side) from Sherman Avenue to Capps Street under the Enabling Act Authority was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: STREET ACCEPTANCE - CARLTON CROSSING DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to accept Carlton Crossing Drive from the end of Phase I west to the end of construction at STA 16 + 30 (1,045') for maintenance by the City of Durham was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent:

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Council Member Jacobs.

SUBJECT: STOP SIGNS - HOPE VALLEY FARMS, GREYFIELD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

- 1) Clearview Lane at Greyfield Boulevard, southwest corner; and
- 2) Langford Terrace at Clearview Lane, southeast corner

Ordinance #11434

SUBJECT: STOP SIGN - LEXINGTON STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Bedford Street at Lexington Street, northeast corner was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

Ordinance #11435

SUBJECT: STOP SIGNS - NORTHEAST CREEK PARKWAY

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

- 1) Northeast Creek Parkway at Cornwallis Road, southwest corner;
- 2) Northeast Creek Parkway at South Alston Avenue, northeast corner; and
- 3) Old Cornwallis Road at Northeast Creek Parkway, northwest and southeast corners

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Ordinance #11436

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the following City Council Meetings was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

Regular Meeting - April 20, 1998
Special Meeting - April 30, 1998

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Water Main - Grandale Drive from Barbee Road to Amanda Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvement on Grandale Drive from Barbee Road to Amanda Road was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: ZONING MATTER CASE P97-83, TRAMMELL CROW, 3900 GARRETT ROAD

Case: P97-83

Applicant: Trammell Crow

Location: The 66.4-acre site consists of two parcels located at 3900 Garrett Road, identified as Tax Map 463, Block 1, Lots 2 and 3

Request: Rezoning from R-20 (Residential 20) to PDR 5.05 (Planned Density Residential with 5.05 units per acre)

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR-5.05.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

Note: Valid Protest Petition filed against this rezoning.

Dick Hails, of the City/County Planning Department, briefed council on comments from the staff report relative to the 2020 Plan defining a regional corridor study area in compact neighborhoods. He also noted that the 2020 Plan does speak about increase in densities within compact neighborhoods.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, briefed council on the proposed rezoning request and the process. Also, he stated the staff felt the proposal was compatible with the objectives of the 2020 Plan and fall within the guidelines of the 2005 Plan.

Earl Lewellyn, of the Transportation Department, briefed council on transportation issues relative to the proposal. He noted that Garrett Road currently carries 4,300 vehicles per day and the capacity of this road is roughly 8,000 vehicles per day at a Level of Service C. Mr. Lewellyn stated the traffic generation of the site, assuming 335 apartments units, would be roughly 2,130 trips per day. Due to a change in the development since the traffic study was done, Mr. Lewellyn noted the trip generation could be slightly lower. Also he noted at the intersection of Garrett Road and 15-501 it would continue to operate at a Level of Service D and this was an acceptable level of service in an urban area although the city has adopted a Level of Service C as the standard.

Proponents

Attorney Jack Markham, representing Trammell Crow, briefed council on the quality projects provided by Trammell Crow in various cities and towns. As a result of meetings with the community, New Hope Creek Corridor Advisory Committee, and the Open Space and Trails Commission, Attorney Markham noted the following being provided by Trammell Crow: 1) reduce the density of the area adjacent to Garrett Farms to 3.7 units per acre and proposed a retirement care community in area F immediately across the road from the Landsbury Drive neighborhood; 2) leaving undisturbed 32.8 of the 66 acres; 3) providing 32.8 acres of open space for the project and the impervious surface is under 17 percent; 4) providing 100 feet wide transitional use area between multi-family residential and single-family residential [adjacent to Garrett

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Farms and Garrett Road]; 5) the development plan proposes an eight to twelve high planted berm within the transitional use area along Garrett Road; 6) Trammel Crow is willing to maintain and supplement all of the mature trees within the transitional use area next to Garrett Farms. Mr. Markham asked council to approve the rezoning request.

John Moriarty, resident from the Downing Creek Neighborhood, spoke in support of Trammell Crow.

Opponents

Mike Sterner, representing Landsbury/Waterbury Homeowners Association, spoke in opposition to this proposal by Trammell Crow. He noted with the uncertainty of the 15-501 transportation plan the impact of traffic must be considered and Garrett Road was already heavily traveled.

Bob Jentsch, resident of Garrett Farms, noted the developers rezoning proposal clearly conflicts with council's policies adopted in the 2005 and 2020 Plans and arbitrarily and prematurely locates a transit station. Mr. Jentsch asked council to deny this request or modify the development plan as follows: 1) reduce density to 3 dwelling units per acre; 2) eliminate connection to Collander Drive; 3) provide bicycle/walking trail connections; 4) provide adequate recreation areas, i.e., playgrounds, baseball, and soccer fields; and 5) mitigate pollutant loadings with holding ponds, grass filter strips, and sand/gravel filter systems.

Mark Simeon, a resident of Garrett Farms, spoke in opposition to the rezoning request. He noted throughout the 2020 Plan specific reference is made "the need to respect and protect the integrity of existing neighborhoods."

Karl Donn, a resident of Garrett Farms, addressed council on the current traffic situation at Garrett Road and the 15-501 intersection, the impact of 335 new residential units, and the impact on Cottonwood Drive. He noted if high density development is approved, the Collander Drive access should be removed from the plans.

Lorraine Salois-Deane, a resident of Ridge Road, spoke in opposition to this development. She noted it would cause spill over from Garrett Road northward to Pickett Road to Ridge Road.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to extend the time for the opponents to speak [additional ten minutes] was approved at 9:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council

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Member Jacobs.

Tom Stark, a resident of Garrett Farms, spoke in opposition to the proposal. He raised concern with environmental issues.

Brenda Kinney, representing Hope Valley Neighborhood Association, stated that the Hope Valley Board voted unanimously to oppose this development and to support the other neighborhood associations. She stated they had no problems with compact neighborhoods and greater density; but the 2020 Plan does not mandate renters. She noted greater density can co-exist with homeownership and it has done so in Woodcroft.

Dave Hosford, resident of Garrett Farms, spoke on the overcrowding of the public schools if this proposal was approved.

Rebuttal

Al Williford, representing Kimberly-Horne & Associates, stated a traffic analysis was done for this proposal and there would be no problems at the entrances to the site or to the intersections north of the site. Also, Mr. Williford addressed the issue of cut-thru traffic.

Relative to the overcrowding of the public schools, Attorney Jack Markham stated multi-family residential usually generates one child per seven units. Attorney Markham stated the residents have stated reduced density, ballfields, soccer fields, filters etc. - he stated this was the first time they have heard of these items. He noted they met with the neighbors on several occasions and presented their plans and changes.

Kim Conklin, a resident of Raleigh, North Carolina, stated she enjoyed living in the Trammell Crow community located in north Raleigh.

Council Member McKissick raised concern with the traffic issues. Mr. McKissick asked if it was required that this proposed development connect to Garrett Farms.

Earl Lewellyn, of the Transportation Department, stated they routinely ask for neighborhoods to be connected to minimize the impact to the adjacent thoroughfares for internal residential traffic. He stated he did not feel there would be a significant impact on Garrett Road as a result of not making that connection.

Council Member McKissick asked how would the improvements for 15-501 impact this proposal.

Earl Lewellyn stated the 15-501 Corridor Master Plan calls for a control access facility for the boulevard as well as an interchange with Garrett Road; however, in accordance with the

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plan itself it does not conflict with the development that is before the council this evening. He noted all the improvements would be made in an area south of this development along Garrett Road and at the intersection with 15-501.

At this time, Mr. Lewellyn briefed council on the improvements needed to bring the intersection of 15-501 and Garrett Road to a Level of Service C.

Council Member McKissick asked the applicant if plans were being made to have a transit stop or shelter as a part of this proposal.

Deb Anderson, representing Trammell Crow, stated she felt they could accommodate a transit stop within the site. She stated they would be inclined to have a transit stop if they could be assured that service would be provided.

Mark Ahrendsen, of the Transportation Department, noted that DATA has looked at extending service to this area due to the development activity along Pickett and Garrett Roads.

Council Member Blyth raised concern with the traffic projections and the assistance living plans being too vague.

Council Member Brown raised concern with environmental issues and the impact on schools.

MOTION by Council Member McKissick seconded by Council Member Cox to continue the public hearing without further advertisement until the June 1, 1998 City Council Meeting to allow dialogue between the neighborhood and applicant [issues of traffic and density for the proposed multi-family project] was approved at 10:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: ZONING MATTER CASE P98-7, GHR, INC., 4912 SOUTH MIAMI BOULEVARD

Case: P98-7

Applicant: GHR, Inc.

Location: The 3.189-acre site consists of one parcel located at 4912 South Miami Boulevard, identified as Tax Map 587, Block 1, Lot 4.

Request: Rezoning from CT(D) (Commercial Trades District with Development Plan); MTC (Major Transportation Corridor) to GC(D) (General Commercial District with Development Plan); MTC (Major Transportation Corridor)

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT(D); MTC and placing same in and establishing same as GC(D); MTC.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Jack Markham, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT(D); MTC and placing same in and establishing same as GC(D); MTC was approved at 10:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: ZONING MATTER CASE P98-8, TEER CENTRAL PARK, SOUTHEAST CORNER OF I-40 AND SOUTH MIAMI BOULEVARD NORTH OF OLD PAGE ROAD

Case: P98-8

Applicant: Teer Central Park

Location: Southeast corner of I-40 and South Miami Boulevard, north of Old Page Road (Tax Map 587-1-8, 8C, 8-D)

Request: Change in Development Plan GC(D) (General Commercial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by making a change in the Development Plan of the above described property zoned GC(D).

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

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Attorney Jack Markham, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by making a change in the Development Plan of the above described property zoned GC(D) to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by making a change in the Development Plan of the above described property zoned GC(D) was approved at 10:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

[OTHER MATTERS]

SUBJECT: TAXICAB COMMISSION REPORT

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22.159.10 of the Durham City Code:

a. Transfer of Operator's Licenses

- 1) Transfer of Phoenix Cab Company Operator's License #48 (Roger Amey) to LaTanya Moore, owner of P.M. Taxi

Taxicab Inspector's Recommendation: Transfer Operator's License (in accordance with City Code)

Taxicab Commission's Recommendation: Transfer Operator's License; Vote 4-0

MOTION by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's Recommendation [transfer of Phoenix Cab Company Operator's License #48 (Roger Amey) to LaTanya Moore, owner of P.M. Taxi] was approved at 10:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

- 2) Transfer of Capell's Cab Company Operator's License #178 (Michael Johnson) to Harold Dixon, owner of Dixon's Cab Company

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Taxicab Inspector's Recommendation: Transfer Operator's License
(in accordance with City Code)

Taxicab Commission's Recommendation: Transfer Operator's License;
Vote 4-0

MOTION by Council Member Larson seconded by Council Member Miller to approve the Taxicab's Commission's recommendation [transfer of Capell's Cab Company Operator's License #178 (Michael Johnson) to Harold Dixon, owner of Dixon's Cab Company] was approved at 10:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

b. Revocation of Driver's Permit of Gilbert Everett, (also known as Michael Everett)

Taxicab Inspector's Recommendation: Revoke Driver's Permit (in accordance with City Code)

Taxicab Commission's Recommendation: Revoke Driver's Permit; Vote 4-0

MOTION by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's recommendation [Revocation of Driver's Permit of Gilbert Everett (also known as Michael Everett)] was approved at 10:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: DRAFT MAY 6, 1998 RESOLUTION OF THE JOINT CITY-COUNTY PLANNING COMMITTEE

To authorize the City Council Members of the Joint City-County Planning Committee to pursue this direction:

"We, the membership of the Joint City-County Planning Committee, believe it is in the best interest to work as a group to study transportation, land use, and environmental issues and newly available traffic and development data related to the Eno Loop issue to develop possible alternatives for consideration by the Board of County Commissioners and the City Council."

The following citizens spoke in support of the Resolution by the Joint City-County Planning Committee: Carl Rupert; Wayne Cash;

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Rebecca Vinson; David Page; Frances Lynn; Donna Deal; Judy Stafford; Richard Miller; Brian Morton; Deb Gates; Nonna Skumanich; John Kent; and Larry Holt.

A motion was made by Council Member Miller to approve the item as printed on the agenda and to request the Joint City/County Planning Committee submit a schedule of consensus/recommendations within 30 days. This motion was seconded by Council Member Cox.

A substitute motion was made by Mayor Pro Tempore Clement to refer this matter to the Public Works Committee for review. Motion failed due to the lack of a second.

MOTION by Council Member Miller seconded by Council Member Cox to authorize the City Council Members of the Joint City-County Planning Committee to pursue this direction as stated below; and

To request the Joint City/County Planning Committee submit a schedule of consensus/recommendations within 30 days was approved at 10:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

"We, the membership of the Joint City-County Planning Committee, believe it is in the best interest to work as a group to study transportation, land use, and environmental issues and newly available traffic and development data related to the Eno Loop issue to develop possible alternatives for consideration by the Board of County Commissioners and the City Council"

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: REPEAL OF RESOLUTION SETTING A 1% DISCOUNT RATE FOR EARLY PAYMENT OF PROPERTY TAXES

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Repeal Resolution #8203 Regarding the Discount for Early Payment of Property Taxes" was approved at 10:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson and Miller. Noes: Council Member McKissick. Absent: Council Member Jacobs.

Resolution #8460

SUBJECT: SEWER BACK-UP CLAIM - 321 EAST CHAPEL HILL STREET

May 18, 1998

Rebecca Vinson, representing the Nancy Rhodes Creek Neighborhood Association, raised concern with the construction of roads in neighborhoods which causes sewer back-ups.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to pay a sewer back-up claim not to exceed a total of \$24,000 for damages incurred at 321 East Chapel Hill Street; and

To adopt a "Resolution by the City Council of the City of Durham Authorizing a Charge of \$24,000 to the Contingency Account of the Water and Sewer Fund and a Credit of \$24,000 to the Quality of Life Account"; and

To adopt "An Ordinance Amending the 1997-98 City of Durham Budget Ordinance, As Amended, the Same Being Ordinance 11158" was approved at 10:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

**Resolution #8461
Ordinance #11433**

[SUPPLEMENTAL AGENDA]

SUBJECT: LICENSE AGREEMENT WITH VYVX, INC. - INSTALLATION OF A FIBER OPTIC COMMUNICATION CABLE IN SO HIGH DRIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a License Agreement with Vyvx, Inc. for the installation of a fiber optic communication cable in So Hi Drive from Alston Avenue east to the City Limit line--**subject to approval of the agreement and plans by the City Attorney and the Public Works Department** was approved at 10:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: TAXICAB COMMISSION - APPOINTMENT

To appoint a member to the Taxicab Commission for a term to expire January 1, 2001.

MOTION by Mayor Pro Tempore Clement seconded by Council Member

May 18, 1998

Miller to appoint Teresa Diane Wright to the Taxicab Commission for a term to expire January 1, 2001 was approved at 10:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT

To appoint a Non-Minority Member to the Human Relations Commission for a term to expire June 30, 1999.

A motion was made by Council Member Blyth to appointed Marianne Bryer as a member of the Human Relations Commission. This motion was seconded by Council Member McKissick.

A substitute motion was made by Mayor Pro Tempore Clement to appoint Cathy McIntyre to the Human Relations Commission. This motion was seconded by Council Member Burnette.

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Blyth seconded by Council Member Cox to vote by written ballot was approved at 11:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

By ballot, the council appointed Marianne Bryer to the Human Relations Commission.

MOTION by Council Member Larson seconded by Council Member Miller to appoint Marianne Bryer as a Non-Minority Member to the Human Relations Commission for a term to expire June 30, 1999 was approved at 11:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

SUBJECT: EVALUATION OF CITY COUNCIL EMPLOYEES - OPEN SESSION

Mayor Tennyson stated at the closed session held on Thursday, May 14, 1998 the council voted to continue the employment of the City Manager, City Attorney and City Clerk. He stated that the compensation for the council employees would be established as part of the final budget process.

MOTION by Mayor Pro Tempore Clement seconded by Council Member

May 18, 1998

Larson to receive the report by Mayor Tennyson regarding the evaluation process of City Council Employees was approved at 11:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Jacobs.

There being no further business to come before the Council, the meeting was adjourned at 11:03 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk

May 18, 1998